

Applicant: Herbert Wehler  
Application No.: 10/571,880

## **Remarks**

Claims 1 and 14 to 22 are pending in this application, and all have been rejected for the reasons discussed below.

## **June 30, 2010 Information Disclosure Statement Not Made of Record**

Applicant respectfully notes that two Information Disclosure Statements (IDS) were filed between the March 30, 2010 office action and the September 9, 2010 final action.

The first IDS was filed on June 30, 2010, and the second was filed on August 11, 2010. Unfortunately, the final action indicates that only the August 11, 2010 IDS has been made of record.

Applicant respectfully requests that the June 30, 2010 IDS be made of record. A copy of that IDS, PTO/SB08a, and PTO/SB08b are attached herewith.

## **Amendment**

The examiner objected to the specification for failing to disclose that the energy guide chain is connected directly to the door. To overcome this objection, claims 1 and 22 are amended herein to recite that the energy guide chain first end is connected to a carrier, as specified in paragraph 29 of the specification. The carrier is not a recoil mechanism or any other type of mechanism that could change the effective length of the energy guide chain because there is no disclosure of such a feature in the present application. Instead, the carrier is described as having an arrangement on the sliding door that permits the sliding door from opening or closing without hindrance from the energy guide chain. (Paragraph 29.) Thus, the energy guide chain carrier recited in claims 1 and 22 matches the specification, and still distinguishes *Suzuki* from the claimed energy guide chain system.

Claims 1 and 22 are also amended to delete the term “single curved” as being unnecessary and redundant in view of the addition of a recitation to an energy guide chain that “bends in a single direction.” This amendment is supported by all three drawings of the application, so there was adequate disclosure to one skilled in the art of this feature. A corresponding amendment is made to paragraph 31 of the specification. Again, this amendment is illustrated in the drawings and no new matter is added.

In addition, bending the energy guide chain in a single direction distinguishes *Kobayashi et al.* because its chain must bend in two directions to accomplish its stated objective. (See Figs. 1, 2, 3, and 11.)

Claim 14 is amended to recite the “carrier” so that the claim reflects the antecedent basis of that term in claim 1, from which claim 14 depends.

Claims 19 and 20 are amended to recite that the first and second sections are - - of the region - - , which is an improved reference to the antecedent basis of claim 1. No new matter is added.

#### **Claim Rejection Under 35 U.S.C. §102**

Claims 1, 14, 15, 19 to 22 were rejected under 35 U.S.C. §102(e) as being anticipated by *Kobayashi et al.*, U.S. Publication 2004/003543. To maintain a rejection under 35 U.S.C. §102(b), all of the elements of each claim must be disclosed in a single reference. The test for anticipation requires a strict, not substantial, identity of corresponding claim elements. *Finisar Corp. v. DirecTV Group, Inc.*, 523 F.3d 1323, 1334-35, 2008 U.S. Appl. LEXIS 8404, 27-28 (Fed. Cir. 2008). Applicant respectfully submits that this standard is not met with respect to the amended claims herein.

*Kobayashi et al.* discloses an energy guide chain for connecting a vehicle body B with a slide door SD. According to Fig. 1, a part S1 of the energy guide chain is bent to the right with a first radius of curvature. In Fig. 2, the part S1 of the energy guide chain is bent to the left side, wherein a subpart S1b of part S1 has a second radius of curvature. Therefore, the energy guide chain shows different radii of curvature when bended in different directions.

The present invention is directed to a sliding door system for a vehicle with an energy guide chain with a first end connected a carrier on a sliding door and a second end connected to a chassis of the vehicle. The energy guide chain has a region with a first radius of curvature when the sliding door is in a closed position and a second radius of curvature when the sliding door is in an open position. According to the invention, the first radius of curvature is smaller than the second radius of curvature.

Further, Figs. 1, 2, and 3 of this application show that the energy guide chain is only bendable in one direction, and therefore, amended independent claims 1 and 22 are not anticipated by *Kobayashi et al.* Compared to an energy guide chain which is bendable in two directions, the energy guide chain of the present invention can be arranged between the sliding door and the chassis in a smaller space. Furthermore, repeatedly bending the cables in the energy guide chain in two directions is more abrasive than bending the cable only in one direction. Therefore, claims 1 and 22, as well as the dependent claims, would not have been obvious to one skilled in the art over *Kobayashi et al.*

#### **Claim Rejections Under 35 U.S.C. §103**

Claims 16 to 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Kobayashi et al.* as applied to claims 1, 14, 15, 19 and 22. Claims 1, 14, 15, and 19 to 22 are also rejected as being unpatentable over *Kobayashi et al.* in view of *Suzuki*, U.S. Patent 6,787,702.

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*Suzuki* discloses an energy guide chain, which is fixed on one side to a vehicle body, but which is connected to a sliding door on the other side via a slack absorbing device 24. Such a device is prone to failure from repeated use, dirt, and other obstructions, and in any event, complicates the energy guide chain system.

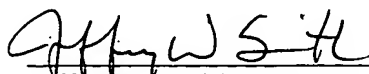
Further, in Fig. 1 the energy guide chain is bent to the right side with a first radius of curvature and in Fig. 2 the energy guide chain is bent to the left side with a second radius of curvature. Therefore, the radius of curvature of the energy guide chain only varies depending from the direction of bending (see col. 2, lines 16 to 21).

According to both technical teachings of the *Kobayashi et al.* and *Suzuki*, the energy guide chains have to be "turned over" to bend in opposite directions in order to operate properly. This is not necessary according to the present invention. Therefore, an energy guide chain according to the present invention can be arranged in a smaller space with no slack absorbing device. Applicant respectfully asserts that there is no suggestion, motivation or teaching to one skilled in the art to combine *Kobayashi et al.* and *Suzuki* as was done in the rejection. Thus, the claims would not have been obvious to one skilled in the art.

## Conclusion

For the foregoing reasons, Applicant respectfully submits that the pending claims are allowable and request that this case be passed to issue.

Respectfully submitted,



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